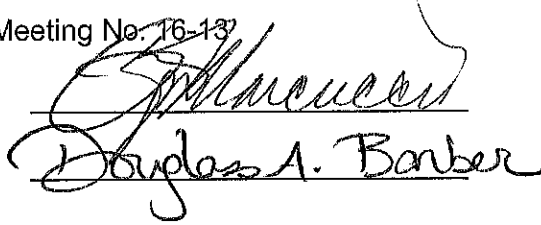


Approved: Meeting No. 16-137

Attest:



Phyllis Marcuccio
Douglas A. Barber

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
February 25, 2013
Meeting No. 07-13
7:00 p.m.

Present:

Mayor Phyllis Marcuccio, Councilmember John F. Hall, Jr., Councilmember Tom Moore, Councilmember Bridget Donnell Newton, and Councilmember Mark Pierzchala.

Staff Present:

City Manager Barbara Matthews, City Clerk/Treasurer Doug Barber, and City Attorney Debra Daniel.

1. Convene

The Mayor and Council convened in a regular meeting at 7:00 p.m. on Monday, February 25, 2013, in the Mayor and Council Chambers, City Hall, 111 Maryland Avenue, Rockville, Maryland.

2. Pledge of Allegiance

Mayor Marcuccio led the Pledge of Allegiance.

3. Agenda Review

City Manager Doug Barber reported that there were no changes to the agenda.

4. City Manager's Report

City Manager Matthews reported on the competitive sale of new bonds, as well as the refunding of outstanding debt that was issued in 2003. Ms. Matthews was happy to report that the City was reaffirmed its AAA credit rating by Moody's and Standard and Poor's. There was a successful competitive bond sale and the award went to William Blaire & Company in Chicago. In terms of refinancing, the award went to Citigroup in New York. Ms. Matthews said that these are some of the lowest rates the City has ever received on a general obligation bond issue and she expressed her sincere appreciation to Director of Finance Gavin Cohen, and his staff, for making this happen.

5. Appointments/Reappointments and Announcements of Vacancies

Board of Supervisors of Elections

David Berthiaume (Appointment to fill an unexpired term until 10/01/15)

Andrew Powell (Appointment to fill an unexpired term until 07/01/15)

Motion to appoint David Berthiaume as a member to the Board of Supervisors of Elections to fill an unexpired term until 10/01/15.

Moved by Councilmember Tom Moore, seconded by Councilmember Bridget Donnell Newton with Mayor Marcuccio and Councilmembers Moore, Newton and Pierzchala approving, and Councilmember Hall abstaining.

Motion Passed: 4 approved - 0 opposed - 1 abstained

Motion to appoint Drew Powell as a member to the Board of Supervisors of Elections to fill an unexpired term until 7/1/15.

Moved by Councilmember Bridget Donnell Newton. The motion failed due to the lack of a second.

Rockville Housing Enterprises

Steven Marr (Reappointment as member until 02/01/16)

Motion: to reappoint Steven Marr to the Rockville Housing Enterprises as a member until 02/01/16.

Moved by Councilmember Bridget Donnell Newton, seconded by Councilmember Mark Pierzchala and unanimously approved.

Mayor Marcuccio announced that there are vacancies to the following City Commissions: Cultural Arts Commission, Human Rights Commission, and the Planning Commission.

6. Citizen's Forum

<i>Citizen</i>	<i>Issue</i>
Sue Adams	Anderson Alley Abandonment
Joe Lynott, Esquire	Anderson Alley Abandonment
Phyllis Wallenmeyer	Anderson Alley Abandonment
Ruth Hannessian	Anderson Alley Abandonment
Brigitta Mullican	Upcoming Sister City Events
Noreen Bryant	Anderson Alley Abandonment
Mr. Ebrahimi	Anderson Alley Abandonment

7. Mayor and Council's Response to Citizen's Forum and Announcements

There were no responses.

8. Mayor and Council Reports

Councilmember Hall noted that he had attended the Lunar New Year celebration in Town Square and what a great success it was. Councilmember Newton had attended the Montgomery County Chapter meeting of the Maryland Municipal League and noted that this meeting was the annual meet and confer with the County Executive. It was reported that the Tax Duplication recommendation is 10% less than the City had received in FY2012. Councilmember Newton also attended the Legislative Committee Meeting of the Maryland Municipal League and noted there are many bills being proposed. Councilmember Pierzchala attended the District 17 event in Annapolis and also Montgomery County Council legislative review meeting. Councilmember Moore said that he was interested in using social media (Twitter) so that comments may be received during Mayor and Council meetings. Councilmember Newton has concerns stating that this may be disruptive and distracting during the meetings. Mayor Marcuccio agreed and said that certain parameters need to be developed before a process is put into place. Councilmember Moore said that is something that he has expressed an interest in before and would welcome the development of a process in terms of use of social media during Mayor and Council meetings. Councilmember Pierzchala reminded the Mayor and Council that the process for use of Power Point presentations is scheduled for an upcoming agenda and perhaps the social media discussion could be part of that conversation.

9. Consent Agenda - Introduction of Ordinance to Levy Special Assessments for Driveway Aprons Constructed in Fiscal Year 2012, project 0C11

Motion: to approve consent agenda Consent Agenda - the introduction of ordinance to levy special assessments for driveway aprons constructed in Fiscal Year 2012, project 0C11.

Moved by Councilmember John F. Hall, Jr., seconded by Councilmember Bridget Donnell Newton and unanimously approved.

10. Adoption of Ordinance to Amend Ordinance #18-12 to Appropriate Funds and Levy Taxes for Fiscal Year 2013

Stacey Webster, Budget and Finance Manager, provided the staff report in connection with the adoption of this ordinance and stated that this item was introduced at the Mayor and Council meeting on February 11, 2013. Ms. Webster said that this is the second budget amendment for FY2013; that the first budget amendment was adopted by the Mayor and Council on November 19, 2013, and the FY2013 Operating and CIP budgets were adopted on May 21, 2012. Ms. Webster highlighted the changes to the various operating and CIP funds and there was brief discussion and points of clarification between staff and the Mayor and Council. A motion was made to adopt the ordinance.

Motion: to adopt ordinance to amend ordinance #18-12 to appropriate funds and levy taxes for Fiscal Year 2013.

Moved by Councilmember John F. Hall, Jr., seconded by Councilmember Bridget Donnell Newton and unanimously approved.

11. Discussion - Update on the Purchase of Fireside Park Apartments by Rockville Housing Enterprises

Erin Wilson, Housing Planner, provided the Mayor and Council with an update on the purchase of the Fireside Park Apartments by Rockville Housing Enterprises (RHE). There was ensuing discussion between the Mayor and Council and staff that included:

- The reason for the \$340,000 increase in the Montgomery County loan amount.
- Lack of clarity about the HUD funding that was part of RHE's \$500,000 equity contribution and the implications of using HUD funds.
- Since the deal closed in December, the process for City monitoring to ensure adequate oversight of the RHE grant and loan.
- The reason for the 10% increase in the number of units that would be leased to households at or below 80% Area Median Income to meet the primary lender's Community Reinvestment Act and how this change will impact the property's financial stability and performance. In fact, this requirement has little or no impact on the deal since the property meets the threshold.
- Concerns that the RHE's agendas and minutes are not posted online and that RHE board meetings were not listed on the City's calendar and in *Rockville Reports*, and the need for RHE to better advertise special meetings.

At the conclusion of the discussion, the Mayor and Council thanked City staff and Ruth O'Sullivan, Director of Rockville Housing Enterprises, for the update.

12. Discussion and Instructions - Anderson Alley Abandonment, Application Number SCA2012-000100

Craig Simoneau, Director of Public Works provided the staff report after which the Mayor and Council discussed at length issues associated with this application, including:

- proposed amendments to Chapter 21
- recourse of the three property owners involved if the alley is not abandoned
- the impact of drainage issues and the need for alternatives to improve drainage; possible funding for the same
- the impact of the four walnut trees and what becomes of them if the application is granted
- possible necessity for easements and grading alternatives
- dividing the alley way in half for a rain garden and placement of the same

At the conclusion of the discussion, the Mayor and Council thanked Mr. Simoneau for his work on this item. A motion was made to record the abandonment.

Motion: to instruct staff to record the abandonment of the Anderson Avenue Alley (Application Number SCA2012-00100.)

Moved by Councilmember Mark Pierzchala, seconded by Councilmember John F. Hall, Jr. with Councilmembers Hall, Moore and Pierzchala approving, and Mayor Marcuccio and Councilmember Newton opposing.

Motion Passed: 3 approved - 2 opposed - 0 abstained

The Mayor and Council took a break at 9:43 p.m. and reconvened at 9:52 p.m.

13. Presentation, Discussion and Approval of the Rock Creek Watershed Assessment

Lise Soukup, Environmental Engineer, provided the staff report and background on the assessment. There was broad discussion between the Mayor and Council and staff that included the current watershed conditions; the management progress since the 2000 Rock Creek Management Plan was implemented; stormwater management retrofitting and maintenance projects; stream restoration efforts; stream monitoring; stormwater infrastructure maintenance and initiatives for future consideration.

Motion: to accept the report on the Rock Creek Watershed Assessment.

Moved by Councilmember John F. Hall, Jr., seconded by Councilmember Tom Moore and unanimously approved.

14. Review and Comment Regarding Mayor and Council Action Report

With respect to traffic issues on Darnestown Road, Councilmember Newton mentioned the proposed expansion of Darnestown Road to eight lanes and would like to have more information on this.

15. Review and Comment Regarding Future Agendas

No comments on future agendas

16. Old/New Business

Councilmember Pierzchala mentioned a bill in the General Assembly that deals with container recycling incentives. He explained the premise of legislation and suggested that the Mayor and Council oppose it because it would undercut the City's very successful recycling program. Councilmember Pierzchala would like more discussion on the topic. Mayor Marcuccio mentioned that she had attended an MML meeting recently and the subject came up. She indicated that there was no support on this item whatsoever by the MML. With respect to the Planning Commission's schedule of the Rockville Pike Plan, Councilmember Newton said that she is concerned with the fast pace of this project. She said that citizens need more time to read and digest the final draft and to speed it up does not do the Plan or the community justice. Mayor Marcuccio agrees that the timeline is too compressed. Councilmember

Pierzchala suggested holding the public hearing in May believing that to be adequate time for input also noting that schools would still be in session. The Mayor and Council directed staff to provide an updated calendar of the Planning Commission's schedule for the Rockville Pike Plan. Councilmember Newton noted that very large increase in fees at RedGate and asked staff to look into this. She also expressed her disappointment on the lack of a second for an appointment to the Board of Supervisors of Elections. Mayor Marcuccio agreed and said it is disheartening for the body to not to approve an appointment of the Mayor. Councilmembers Pierzchala and Hall reiterated they requested that this item be pulled from the agenda to allow adequate time to review all of the applications. Councilmember Moore said that it is the job of the Mayor to put forth a recommendation and it is the job of the Council to either approve it or not. Mr. Moore said it could have been avoided had the council been consulted. Mayor Marcuccio mentioned the expansion of a home on Grandin Avenue and the fact that the current Zoning Ordinance does not adequately deal with this. Mayor Marcuccio would like to have a discussion on the mansionization issue. Councilmember Newton agreed and would like to have a discussion on the role of the Master Plan versus the Zoning Ordinance. Councilmember Pierzchala said that "uses" under the Zoning Ordinance is a tool that can be used to control some of this. Councilmember Moore said that mansionization is difficult item to tackle. In order to solve it, you have to take property rights away from people.

17. Adjournment

There being no further business, the meeting adjourned at 10:46 p.m.

Motion: to adjourn.

Moved by Councilmember John F. Hall, Jr., seconded by Councilmember Bridget Donnell Newton to adjourn.